

104TH CONGRESS
2D SESSION

H. R. 3905

To amend the Controlled Substances Act to provide an enhanced penalty for distributing a controlled substance with the intent to facilitate a rape or sexual battery, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1996

Mr. SOLOMON (for himself, Ms. DUNN of Washington, Ms. MOLINARI, Mr. JOHNSTON of Florida, Mr. GALLEGLY, Mr. OXLEY, Mr. TATE, Mrs. CUBIN, Mr. BAKER of Louisiana, Mr. FRANKS of Connecticut, Mrs. SEASTRAND, Mr. BILBRAY, Mrs. LOWEY, Ms. PRYCE, Mr. ACKERMAN, and Mrs. FOWLER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to provide an enhanced penalty for distributing a controlled substance with the intent to facilitate a rape or sexual battery, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drug-Induced Rape
5 Act of 1996”.

1 **SEC. 2. DISTRIBUTION OF CONTROLLED SUBSTANCE WITH**
2 **INTENT TO FACILITATE A RAPE OR SEXUAL**
3 **BATTERY.**

4 Section 401(b) of the Controlled Substances Act is
5 amended by adding at the end the following:

6 “(7)(A) Whoever, with intent to rape an individual,
7 violates subsection (a) by distributing a controlled sub-
8 stance to that individual without that individual’s knowl-
9 edge, shall be fined not more than \$2,000,000 if the de-
10 fendant is an individual and not more than \$10,000,000
11 if the defendant is a person other than an individual and
12 imprisoned not less than 20 years.

13 “(B) Notwithstanding any other provision of law the
14 court shall not place on probation or suspend the sentence
15 of any person sentenced under this paragraph.

16 “(C) As used in this paragraph—

17 “(i) the term ‘intent to rape’, with respect to an
18 individual, means the intent to facilitate conduct
19 with that individual that would violate section
20 2241(b) or 2242(2) of title 18, United States Code,
21 if that conduct occurred in the special maritime and
22 territorial jurisdiction of the United States; and

23 “(ii) the term ‘without that individual’s knowl-
24 edge’ means that the individual is unaware of the
25 capacity of the substance to impair that individual’s
26 ability to appraise conduct or to decline participation

1 in or communicate unwillingness to participate in
2 conduct. ”.

3 **SEC. 3. ADDITIONAL PENALTIES RELATING TO**
4 **FLUNITRAZEPAM.**

5 (a) GENERAL PENALTIES.—Section 401 of the Con-
6 trolled Substances Act (21 U.S.C. 841) is amended—

7 (1) in subsection (b)(1)(A)—

8 (A) by striking “or” at the end of clause
9 (vii);

10 (B) by inserting “or” at the end of clause
11 (viii);

12 (C) by inserting after clause (viii) the fol-
13 lowing:

14 “(ix) 1 gram or more of flunitrazepam;”;

15 (2) in subsection (b)(1)(B)—

16 (A) by striking “or” at the end of clause
17 (vii);

18 (B) by inserting “or” at the end of clause
19 (viii);

20 (C) by inserting after clause (viii) the fol-
21 lowing:

22 “(ix) 100 mg or more of flunitrazepam;”;

23 (3) in subsection (b)(1)(C), by inserting “or
24 flunitrazepam” after “I or II”.

25 (b) IMPORT AND EXPORT PENALTIES.—

1 (1) Section 1009(a) of the Controlled Sub-
2 stances Import and Export Act (21 U.S.C. 959(a))
3 is amended by inserting “or flunitrazepam” after “I
4 or II”.

5 (2) Section 1010(b) of the Controlled Sub-
6 stances Import and Export Act (21 U.S.C. 960(b))
7 is amended—

8 (A) in paragraph (1)—

9 (i) by striking “or” at the end of sub-
10 paragraph (G);

11 (ii) by inserting “or” at the end of
12 subparagraph (H);

13 (iii) by inserting after subparagraph
14 (H) the following:

15 “(I) 1 gram or more of flunitrazepam;”; and

16 (B) in paragraph (2)—

17 (i) by striking “or” at the end of sub-
18 paragraph (G);

19 (ii) by inserting “or” at the end of
20 subparagraph (H);

21 (iii) by inserting after subparagraph
22 (H) the following:

23 “(I) 100 mg or more of flunitrazepam;”

24 and

1 (C) in paragraph (3), by inserting “or
2 flunitrazepam” after “I or II,”.

3 (3) Section 1010(b)(4) of the Controlled Sub-
4 stances Import and Export Act is amended by in-
5 serting “(except a violation involving
6 flunitrazepam)” after “III, IV, or V,”.

7 (c) SENTENCING GUIDELINES.—The United States
8 Sentencing Commission shall amend the Sentencing
9 Guidelines so that one dosage unit of flunitrazepam shall
10 be equivalent to one gram of marihuana for determining
11 the offense level under the Drug Quantity Table.

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